

455B.415 Permit required.

1. Except as provided in subsections 2 and 4, a person shall not construct or operate a facility for the treatment, storage, or disposal of a hazardous waste identified under section 455B.412, subsection 1, unless the owner or operator has obtained a permit for the facility from the director.

2. The owner or operator of a facility for the treatment, storage, or disposal of a hazardous waste identified under section 455B.412, subsection 1, existing on the effective date of the rule listing the waste shall obtain a permit for the facility within six months of the effective date of the rule. A person owning or operating a facility for the treatment, storage or disposal of a hazardous waste that existed on the effective date of the rule identifying the waste and that is required to have a permit under sections 455B.411 to 455B.421 is considered to have a permit until a final administrative determination is made if the person meets the following conditions:

- a. The person has given notice as required by section 455B.414.
- b. The person has applied for a permit.
- c. The director has determined that the failure to issue the permit is not the result of the failure of the applicant to furnish information reasonably required or requested to process the application.

3. The commission may by rule specify the information required to be submitted with the application for a permit and the conditions under which the director shall issue, deny, revoke, suspend or modify permits. However, a permit shall not be issued for a treatment, storage, or disposal facility unless the applicant presents evidence of financial responsibility and continuity of operation consistent with the degree and duration of risks associated with the treatment, storage or disposal of the hazardous waste as determined by the commission.

4. A permit is not required for the storage of a hazardous waste identified under section 455B.412, subsection 1, when the only purpose of the storage is to accumulate for a period of up to ninety days sufficient quantities of the waste for transportation, treatment or disposal unless a permit for the storage is required under federal law.

5. A permit issued pursuant to this section shall be in addition to other licenses, permits or variances authorized or required by law, including, but not limited to, the requirements of chapter 335.

6. If the director denies a permit, the director shall inform the applicant in writing of the reasons for the denial. The applicant may appeal to the commission from the denial of a permit or from a condition of a permit if the applicant files a notice of appeal with the director within thirty days of receipt of the denial or issuance of the permit.

[C81, §455B.134]

C83, §455B.415

83 Acts, ch 136, §7; 84 Acts, ch 1158, §6; 86 Acts, ch 1245, §1899

Partial suspension; applicability; 2000 Acts, ch 1073, §1